

ALAN S. FUTERFAS

ATTORNEY AT LAW

565 FIFTH AVENUE, 7TH FLOOR

NEW YORK, NEW YORK 10017

(212) 684-8400

ELLEN B. RESNICK

BETTINA SCHEIN
OF COUNSEL

FACSIMILE: (212) 684-5259

asfuterfas@futerfaslaw.com

October 28, 2011

By ECF and Federal Express

Honorable Nicholas G. Garaufis
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Myron Gushlak, 03 Cr. 833 (NGG)

Dear Judge Garaufis:

This letter respectfully requests an adjournment of the restitution hearing currently scheduled for November 7, 2011 in the above-captioned matter. We have discussed this matter in some detail with the government and they have no objection to this request. The substantial reasons for the request are as follows.

On September 28, 2011, without objection, the government requested additional time to file its fourth restitution submission to October 24, 2011. We had been in close discussions with the government and were hopeful that we could respond to the government's fourth submission and still keep the November 7th restitution hearing date. The analysis used in the fourth submission, however, is radically different from that previously relied upon by the government. We have been in contact with leading experts in the field and there is little preparation we could have done in anticipation of the fourth submission since the specific analytical processes (a regression analysis and conclusions drawn therefrom) cannot be analyzed in advance of receiving the actual analysis and report. Having received the fourth submission, we are advised that it will take some time to analyze and that we will need additional information from the government with respect to assumptions and other matters relevant to the government's report. In addition, there are still significant factual matters that we are hoping to resolve with the government (and we have been involved in that process) which would streamline any hearing. There is a very significant response available to many aspects of the regression analysis and the

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conclusions that have been drawn but such a response is not possible by November 7, 2011.

The government advises that its expert is not available the balance of November and the government is not available in December for very joyful personal reasons for which we offer our warmest congratulations. For these reasons, we respectfully request that the restitution hearing date be adjourned to a date in mid-January convenient to the Court.

Thank you for your consideration of this request.

Respectfully yours,


Alan S. Futerfas

cc: Daniel Spector, Esq. (via e-mail and ECF)
Brian Rosner, Esq. (via e-mail and ECF)